

FILED

NOV - 3 2004

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

**CHANGZHOU LAOSAN GROUP
No. 9 Fenghuang Road
Changzhou Jiangsu China**

Plaintiff,

v.

Civil Action

CASE NUMBER 1:04CV01919

JUDGE: Ellen Segal Huvelle

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 11/03/2004
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**U. S. CUSTOMS AND BORDER
PROTECTION BUREAU
1300 Constitution Avenue NW
Washington, D. C. 20229**

**COMPLAINT FOR
INJUNCTIVE RELIEF**

Defendant.

1. This is an action brought under the Freedom of Information Act ["FOIA"], 5 U.S.C. §552, *et. seq.* to enjoin the defendant from withholding from public disclosure certain records of the U. S. Customs and Border Protection Bureau ["Customs"] within their possession and control.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B).

3. Plaintiff, Changzhou Laosan Group ["Changzhou"] is an exporter of merchandise from China.

4. Defendant, Customs, is an agency of the United States.

5. Changzhou entered into an agreement to ship merchandise from China to Mexico via the port of Los Angeles, California.

6. Customs seized Changzhou's merchandise at the Los Angeles-Long Beach harbor on April 17, 2003 and assigned case number 2003-2704-000046201.

7. In a letter of September 3, 2003 Changzhou, pursuant to the FOIA, requested Customs to provide all of its records for case number 2003-2704-000046201.

8. A follow-up request was made on January 13, 2004.

9. Customs denied the request in its entirety in a letter dated May 17, 2004, reference number FA 2004-2704-087.

10. An appeal of this denial was filed pursuant to FOIA with Customs on May 21, 2004.

11. In a letter dated September 28, 2004 Customs denied Changzhou's petition for the release of its merchandise based on an administrative record and advised Changzhou that it had until December 13, 2004 to file a supplemental petition.

12. In a letter dated October 21, 2004 Changzhou amended its FOIA appeal to request the administrative record used to make the September 28th decision. This is the same record Changzhou requested in its initial letters.

13. Pursuant to 5 U.S.C. §552(a)(6)(C) the failure of Customs to respond to the appeal within the time prescribed by law constitutes a deemed denial.

14. Changzhou has exhausted its administrative remedies.

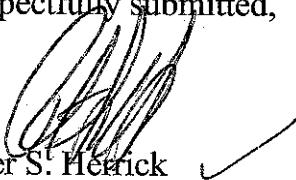
WHEREFORE, plaintiff respectfully requests the Court:

1. To take jurisdiction of this cause of action;
2. To order Customs to immediately release the requested records to Changzhou;

and,

3. To grant such other and further relief as the Court may deem proper and just.

Respectfully submitted,



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